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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE CENTRAL DISTRICT OF CALIFORNIA

8 JEFF MACY, as an individual,

9 Plaintiff,

10 vs.

11 CALIFORNIA HIGHWAY PATROL, a State
12 Agency; Officer CHRISTOPHER BATES,
13 Supervisor Officer Sergeant JEFFREY
14 O'BRIEN, & DOES 1-10, inclusive,

15 Defendants.

Case No.: 5:23-cv-02245-RGK-BFM

MOTION FOR SANCTION(s) Pursuant to
FRCP 30(d)(2):

DISCOVERY MOTION

Judge: Hon. Brianna Fuller Mircheff
Trial Date: Not Set
Action Filed: 5/06/2024

16 PLAINTIFF JEFF MACY ("Mr. Macy"), through his undersigned counsel,
17 hereby files this Discovery Motion against Defendants California Highway Patrol
18 Running Springs, Christopher Bates ("Bates"), Jeffrey O'Brien ("O'Brien"), & Does
19 1 to 10, inclusive (collectively "Defendants"), alleges as follows:

JURISDICTION & VENUE

- 20 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 & 1343(a)
21 (3-4) because Plaintiffs assert claims arising under the laws of the United
22 States including 42 U.S.C. §§ 1983 & 1985, the Fourth & Fourteenth
23 Amendments of the United States Constitution. This court has
24 supplemental jurisdiction over State Law Claims pursuant to 28 USC § 1367
25 because those claims are so related to Plaintiff's Federal Claims that the
26 claims form part of the same case &/or controversy pursuant to Article III
27 of the United States Constitution.
- 28 2. Venue is properly founded in this judicial district pursuant to 28 USC §§
1391(b) & (c) in that a substantial part of the events giving rise to the

claims in this action occurred within this District & Defendants are subject to personal jurisdiction in this district.

PARTIES

3. Plaintiff Jeff Macy, is a citizen of the State of California, & at all relevant times herein was a resident in San Bernardino County in the State of California.
4. Defendant California Highway Patrol Running Springs, is & at all times relevant a public entity located in the County of San Bernardino & existing under the laws of the State of California.
5. Defendant Christopher Bates is & at all times relevant a resident in the County of San Bernardino & existing under the laws of the State of California.
6. Defendant Jeffrey O'Brien is & at all times relevant a resident in the County of San Bernardino & existing under the laws of the State of California.
7. On information & belief at all times relevant, Defendant DOES 1-10 were residents of the County of San Bernardino & are sued in their individual capacity.

I. Introduction

Plaintiff is filing for a Discovery Motion as Defendant Jeffrey O'Brien's Response to Plaintiff's Request for Production of Documents CD was seemingly intentionally cracked & unusable; would not play. Defendant Christopher Bates's Response to Plaintiff's Request for Production of Documents CD was edited, can clearly see at 37 minutes & 39 minutes, & multiple other times in the video that there were many time skips. The audio in the video was also distorted

1 & mangled, so that the sound was inaudible & the Officers speaking couldn't be
2 heard. One video is intentionally cracked & the other is intentionally edited.

3 Defendant's Attorney Julio Hernandez has not provided Plaintiff Jeff Macy
4 the videotaped deposition as requested. Attorney Hernandez is intentionally &
5 willfully withholding the video from Plaintiff as the video is self-evident of Attorney
6 Hernandez's disrespectful behavior towards Plaintiff. The video also contains
7 Attorney Hernandez yelling at Jeff Macy, & is proof of Plaintiff's Sanctions
8 against Attorney Hernandez.
9

10 **II. Discussion**

11 Defendants are intentionally withholding evidence from Plaintiff. The
12 purpose of Highway Patrol Officers having Dash-cams is for evidence. Officers
13 know they have to be recordable, video/audio recorded; according to the First
14 Amendment. (Glik v. Cunniffe, 655 F.3d 78 (1st Cir. 2011)) It is a public right to be
15 able to record Highway Patrol Officers on duty. Highway Patrol Officers do not
16 have an Amendment right to not be recorded while on their official duty.
17 YouTube Video showing the intentionally cracked CD:

18 <https://youtu.be/R9FY7r6l9vg?feature=shared>

19 Plaintiff believes that the files he received have been altered because
20 both Production of Document CDs are different. Defendant Christopher Bates'
21 Production of Documents CD had no time stamp & distorted sound, so that it
22 would seem like it wasn't a prolonged traffic stop/detainment. YouTube Video
23 showing Defendant Christopher Bates' Production of Documents CD which has
24 been clearly been altered, even shows blur over faces:

25 <https://www.youtube.com/watch?v=-4g78g5BkBk> Whereas, Defendant Jeffrey
26 O'Brien's Production of Documents CD did have a time stamp & the sound
27 wasn't as distorted. YouTube Video showing Defendant Jeffrey O'Brien's
28

1 Production of Documents CD:

2 <https://www.youtube.com/watch?v=cAqt3wuKo1s> On 06/27/23, about a
3 minute after Plaintiff & Family left the dump, Plaintiff was pulled over by
4 Defendant Officer Bates, as shown in Exhibit #1 Dump Weight Receipt.
5 Defendants tampered with the evidence because Defendants don't want it to
6 seem like a prolonged detainment. Plaintiff was afraid that Defendants would
7 edit the video, which is why Plaintiff requested the unedited footage through
8 public records requests right after the detainment, but the videos were not
9 provided. Defendants had over a year to alter the video. The videos are
10 undisputed fact, self-evident of Defendant Officer Bates entering Plaintiff's
11 vehicle without consent.
12

13 On October 1, 2024 Plaintiff met in person with Defendant's Attorney Julio
14 Hernandez at 9 A.M. for a deposition. Assignment #6884847 with a court reporter
15 & a videographer. Defendant's Attorney has not provided Plaintiff Jeff Macy the
16 videotaped deposition as requested. Defendant's Attorney has also not
17 provided any written transcript of the deposition. Attorney Hernandez is
18 intentionally & willfully withholding the video evidence from Plaintiff as the video
19 is self-evident of Attorney Hernandez's disrespectful behavior towards Plaintiff.
20 The video also contains Attorney Hernandez yelling at & threatening Mr. Macy,
21 & is proof of why Plaintiff filed a Sanctions against Attorney Hernandez. Plaintiff
22 has requested multiple times for the video & is very concerned with the
23 Defendant's behavior. Plaintiff is unable to crossexamine the deposition video
24 that only the Defendant holds.
25

26 **III. Conclusion**

27 For the reasons set forth above, Plaintiff's Discovery Motion should be
28 approved. Plaintiff asks that the court will compel the Defendants to provide

1 unedited videos of the traffic stop as requested & have a trial, so Defendant's
2 cannot harass Plaintiff. Plaintiff also asks that the court will compel the
3 Defendant's Attorney Julio Hernandez to provide an unedited video of the
4 deposition & written transcript. Please rule in favor of Plaintiff.
5

6 **DISCOVERY MOTION**

7 Plaintiff hereby motions for a Discovery Motion to compel Defendants for
8 proper evidence.

9 Respectfully Submitted,

10
11 By Plaintiff: _____

Jeff Macy

12 Jeff Macy

13 (Bible Translator & Director of Religious Organization 1611Bible.us)

14
15
16 Date: _____

2/18/25

DECLARATION OF SERVICE BY E-MAIL

Case Name: Macy, Jeff, v. California Highway Patrol, et al.

Case No.: 5:23-CV-02245-RGK-BFM

I declare:

1. I am at least 18 years old.

a. My residence or business address is: P.O. Box # 433, Twin Peaks, CA 92391.

b. My electronic service address is: Jerushastar@gmail.com.

2. I electronically served the following documents: **DISCOVERY MOTION.**

3. I electronically served the documents listed in 2 as follows:

a. Name of person served: Julio Hernandez & Donna Kulczyk.

On behalf of: Defendants California Highway Patrol, Officer Christopher
Bates, Supervisor Officer Sergeant Jeffrey O'Brien, & Does 1-10

b. Electronic service address of person(s) served:

Julio.hernandez@doj.ca.gov & Donna.kulczyk@doj.ca.gov

c. On: 2/18/25

Date: 2/18/25

I declare under penalty of perjury under the laws of the State of California that
the foregoing is true & correct.

Declarant: Jerusha Macy

Jerusha Macy